

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

NOTE: There are three Extraordinary issues to the Official Gazette, Series I No. 17 dated 25-7-96 as follows:

- 1) Extraordinary dated 25-7-96 from pages 177 to 178 regarding Notification from Revenue Department.
- 2) Extraordinary No. 2 dated 30-7-96 from pages 179 to 182 regarding Notification from Department of Legislative Affairs.
- 3) Extraordinary No. 3 dated 30-7-96 from pages 183 to 186 regarding Notification from Department of Law (Legal Affairs).
- 4) Extraordinary No. 4 dated 31-7-96 from pages 187 to 188 regarding Notification from Department of Transport.

### GOVERNMENT OF GOA Department of Legislative Affairs

#### Notification

LA/B/1880/1996

The following Bill which was introduced in the Legislative Assembly of Goa on 22-7-96 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 23rd July, 1996.

### The Goa Toddy Tappers Welfare Fund (Amendment) Bill, 1996

(Bill No. 7 of 1996)

A

BILL

Further to amend the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984.

BE it enacted by the Legislative Assembly of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Toddy Tappers Welfare Fund (Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 6.*— In section 6 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984 (Act 14 of 1984), after sub-section (5), the following shall be inserted, namely:—

“(6) There shall be paid to the non-official members of the Board such amount of TA/DA and sitting fees for attending

the meetings of the Board, as may be fixed by the Board from time to time. The amount shall be drawn from the funds of the Board and shall be paid to the members on producing attendance certificate issued by the Chairman/Member-Secretary of the Board.”

#### Statement of Objects and Reasons.

In terms of section 6 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984 (Act 14 of 1984), Government has constituted the Toddy Tappers Welfare Fund Board for the administration of the Toddy Tappers Welfare Fund. However, there is no provision in the Act, 1984, towards payment of TA/DA and sitting fees to the non-official members of the Board for attending the meetings of the Board.

It is, therefore, proposed to suitably amend section 6 of the Act, 1984, by inserting new sub-section (6) therein.

This Bill seeks to achieve the above object.

#### Financial Memorandum

Clause 3 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Scheme, 1985, provides for the constitution of the Board and sub-clause (iii) thereof provides for appointment of non-official members. Presently, there are 6 non-official members but section 6(2) of the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984 (Act 14 of 1984), provides that the Board shall consist of such number of members as may be appointed by the Government from time to time in such manner as may be provided for in the Scheme and as such the possibility that the Government may increase the number in near future, exists.

It is, therefore, considered that there would be 6 non-official members who will be entitled to draw TA/DA. The approximate annual financial liability would be between Rs. 5,000/- and Rs. 10,000/-.

Panaji,  
19th June, 1996.

PRATAPSINGH RANE  
Chief Minister

Assembly Hall,  
Panaji,  
15th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

Governor's recommendation under Article 207 of the Constitution.

In pursuance of Article 207 of the Constitution, the Governor of Goa has recommended to Legislative Assembly of Goa, the introduction and consideration of the Goa Toddy Tappers Welfare Fund (Amendment) Bill, 1996.

(Annexure to Bill No. 7 of 1996)

The Goa Toddy Tappers Welfare Fund (Amendment)  
Bill, 1996

The Goa, Daman and Diu Toddy Tappers Welfare Fund  
Bill, 1984

(Act 14 of 1984)

6. *Constitution of Board.*— (1) The Government may, by notification in the Official Gazette, constitute with effect from such date as may be specified therein, a Board to be called the Toddy Tappers Welfare Fund Board for the administration of the Fund.

(2) The Board shall consist of such number of members as may be appointed by the Government from time to time in such manner as may be provided for in the Scheme.

(3) One of the members of the Board shall be appointed by the Government as Chairman and another member as Member-Secretary.

(4) The Board shall be a body corporate having perpetual succession and a common seal and may sue or be sued in its corporate name and shall be competent to acquire, hold or dispose of property and to execute contracts and to do all things necessary for the purposes of this Act.

(5) The Board shall administer the Fund vested in it in such manner as may be specified in the Scheme.

Assembly Hall,  
Panaji,  
15th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

#### Notification

LA/B/1881/1996

The following Bill which was introduced in the Legislative Assembly of Goa on 22-7-96 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 23rd July, 1996.

### The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 1996

(Bill No. 8 of 1996)

A

#### BILL

further to amend the Goa, Daman and Diu Mundkars  
(Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of Goa in the Forty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*— (1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 15.*— In sub-section (1) of section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), after the words “the dwelling house occupied by him”, the words “within such time as may be prescribed”, shall be added.

#### Statement of Objects and Reasons

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), does not specify the time limit within which the Mundkar has to exercise the right of purchase of the ‘dwelling house’, as a result of which there is delay in disposal of cases of purchase by the Mamlatdar.

The proposed Bill seeks to provide for a cut off date within which the Mundkar has to exercise the right of purchase of the dwelling house, by framing Rules.

#### Memorandum Regarding Delegated Legislation

Sub-section (1) of section 15 empowers the Government to frame rules prescribing the time within which the Mundkar has to exercise the right of purchase of the dwelling house.

This delegation is of normal character.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
11th July, 1996.

WILFRED MISQUITA  
Minister for Revenue

Assembly Hall,  
15th July, 1996.  
Panaji,

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

(Annexure to Bill No. 8 of 1996)

The Goa Mundkars (Protection from Eviction)  
(Amendment) Bill, 1996.

The Goa, Daman & Diu Mundkars (Protection from Eviction)  
Bill, 1975

(Act 1 of 1976)

15. Right of mundkar to purchase the dwelling house.

(1) Notwithstanding anything to the contrary contained in any law for the time being in force, a mundkar shall, subject to the provisions of this Act have the right to purchase the dwelling house occupied by him.

(2) The maximum extent of land around or appurtenant to the dwelling house which a mundkar is entitled to purchase under this section shall be as indicated under sub-clause (i) of clause (i) of section 2.

(3) The purchase price payable by the mundkar for his dwelling house shall be the market value of the dwelling house purchased as prevailing on the appointed date and the improvement thereon, other than the improvement, if any, belonging to the mundkar:

Provided that, when the house, hut or any structure with its materials belong, wholly or partly, to the mundkar, the corresponding value shall be deducted from the market value and, in such case, the purchase price shall be the balance left after deducting the corresponding value from the market value:

Provided further that—

(a) when a mundkar has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of or for the purpose of watching and protecting, an agricultural land of the bhatkar and is actually rendering such service and continues to render such service with or without remuneration; or

(b) where a mundkar is an agricultural labourer or a village artisan; or

(c) where the annual income of a mundkar, being a person belonging to Scheduled Castes or the Scheduled Tribes and not falling under clause (a) or clause (b), from all sources does not exceed rupees three thousand and six hundred;

then, the purchase price payable by such mundkar and a member of his family shall be twenty percent of the market value payable.

*Explanation:—* For the purposes of this sub-section —

(a) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 of the Constitution to be Scheduled Castes in relation to Union Territory of Goa, Daman and Diu;

(b) "Scheduled Tribes" means such tribes or tribal Communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 of the constitution to be Scheduled Tribes in relation to the Union Territory of Goa, Daman and Diu.

(4) The purchase price payable under sub-section (3) in respect of the dwelling house shall be paid in not more than ten equal annual instalments:

Provided that, it shall be open to the mundkar to pay the entire purchase price in lumpsum, in which case, the amount payable shall be only ninety per cent of the purchase price.

(5) The market value of the dwelling house, shall be decided by the Mamlatdar, after making such inquiry as he deems necessary and in the prescribed manner.

Assembly Hall,  
Panaji,  
15th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

#### Notification

LA/B/1882/1996

The following Bill which was introduced in the Legislative Assembly of Goa on 22-7-96 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 23rd July, 1996.

## The Maharashtra Agricultural Produce Marketing (Regulation) (Second Goa Amendment) Bill, 1996

(Bill No. 9 of 1996)

A

BILL

to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (Second Goa Amendment) Act, 1996.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. *Insertion of new section 15A.*— In the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the State of Goa (hereinafter referred to as the 'principal Act'), after section 15, the following shall be inserted, namely:—

"15A. *Appointment of Administrator.*— (1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, three years or as the case may be, the extended term of office, if any, under sub-section (3) of section 14 of the members of any Market Committee has expired, the State Government shall, by order in writing, direct that, —

(a) all members of the Committee shall, as from the date specified in the Order, cease to hold and vacate their office as members or otherwise; and

(b) the person appointed by the State Government from time to time, shall be the Administrator to manage the affairs of the Committee, during the period from the date specified in the Order upto the day on which the first meeting of the reconstituted Committee is held (hereinafter in this section referred to as the "said period"), and elections shall be held within a period of one year from the date the Administrator assumes office.

(2) During the said period, all the powers and duties of the Committee and its various authorities under this Act and the rules and bye-laws made thereunder or any other law for the time being in force shall be exercised and performed by the Administrator.



(3) The Administrator may delegate any of his powers and duties to any Officer for the time being serving under him or under the Committee.

(4) The Administrator shall receive such remuneration from the Market Fund as the State Government may, from time to time, by general or special order, determine."

3. *Amendment of section 21.*— In section 21 of the principal Act, after the words "until their successors enter upon their office", the words "or the Administrator appointed under section 15A assumes office" shall be added.

#### Statement of Objects and Reasons

The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the State of Goa, does not contain any provision for appointment of an Administrator for managing the affairs of any Market Committee after the normal and extended term of office of members of the Market Committee expires. It is not always possible to conduct elections and constitute a new Market Committee immediately on expiry of the normal or extended term of the earlier Market Committee. In order to cater for such situations, it is proposed to insert new section 15A in the Act, 1963, so as to provide for appointment of an Administrator by the State Government, pending fresh elections and constitution of a new Market Committee. It is also provided that elections shall be held and the Committee reconstituted within a period of one year from the date the Administrator assumes office.

A consequential amendment is also proposed in section 21 of the said Act, 1963.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

The Bill does not have any financial implications.

Panaji,  
16th July, 1996.

SOMNATH ZUWARKAR  
Minister for Cooperation

Assembly Hall,  
Panaji,  
16th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

(Annexure to Bill No. 9 of 1996)

The Maharashtra Agricultural Produce Marketing (Regulation)  
(Second Goa Amendment) Bill, 1996

.....  
The Maharashtra Agricultural Produce Marketing (Regulation)  
Act, 1963  
.....  
(Maharashtra Act XX of 1964)  
.....

15. *Commencement of term of office of members.*— (1) The term of office of members of a Market Committee shall be

deemed to commence on the date of the first meeting of the Market Committee at which business is transacted:

Provided that, persons who are members by virtue of their being representatives of a co-operative society or of a local authority, shall hold office so long only as they continue to be such representatives, and in the case of persons who are licensees they shall cease to hold office on their ceasing to be holders of their licences.

(2) The first meeting of a Market Committee shall be held on such a date as may be fixed by the State Marketing Officer, or any officer authorised by him in that behalf, being a date which is within thirty days from the date on which the names of members are published in the Official Gazette. If the first meeting is, for any reason, not held within thirty days as aforesaid, the State Marketing Officer shall report the fact to the Administrator and state therein the reasons for the failure to hold the meeting, and shall, thereafter, act according to the directions of the Administrator issued in that behalf.

(3) The term of office of outgoing members shall be deemed to extent to, and expire with, the date immediately preceding the date of such first meeting.

21. *Chairman and Vice-Chairman to hold office until their successors enter upon office.*— The Chairman and Vice-Chairman shall, notwithstanding the expiration of their term of office, continue to hold office, until their successors enter upon their office.

Assembly Hall,  
Panaji,  
18th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

#### Notification

LA/B/1883/1996

The following Bill which was introduced in the Legislative Assembly of Goa on 22-7-96 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 23rd July, 1996.

#### The Goa Secondary and Higher Secondary Education Board (Amendment) Bill, 1996

(Bill No. 10 of 1996)

#### A BILL

*further to amend the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975.*

BE it enacted by the Legislative Assembly of the State of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Secondary and Higher Secondary Education Board (Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Secondary and Higher Secondary

dary Education Board Act, 1975 (Act 13 of 1975) (hereinafter referred to as the "principal Act"),—

(i) after clause (8), the following clause shall be inserted, namely:—

"(8a) "higher secondary education" means such general or combinations of general and technical or vocational or special education which is designed to meet the educational needs of students in Classes XI and XII;"

(ii) for clause (11), the following clause shall be substituted, namely:—

"(11) "management" in respect of a Government run institution means the Director of Education and in case of other institutions means the trustees or the managing or governing body, by whatever name called, of any Trust or of any Society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860), under whose management one or more schools or institutions are run;"

(iii) for clause (18), the following clause shall be substituted, namely:—

"(18) "State" means the State of Goa."

3. *Amendment of section 9.* — In section 9 of the principal Act,—

(i) in sub-section (1), for the expression "His emoluments and terms and conditions of service shall be such as may be prescribed", the following shall be substituted, namely:—

"The eligibility criteria, mode of recruitment and terms and conditions of service for appointment of the Secretary shall be such as may be prescribed."

(ii) sub-section (2) shall be omitted.

4. *Amendment of section 12.* — In sub-section (1) of section 12 of the principal Act,—

(i) in Class A, below the heading "Ex-officio Members", for items (ii), (iii), (iv), (v) and (vi), the following items shall be substituted, namely:—

"(ii) The Director of Sports and Youth Affairs;

(iii) The Director of Art and Culture;

(iv) The Director of Craftsman Training;

(v) The Director of Technical Education;

(vi) The Director of State Institute of Education; and

(vii) The Director of Higher Education;"

(ii) in Class B, below the heading "Elected Members",—

(a) in item (i), for the word "territory", the word "State" shall be substituted;

(b) for item (ii), the following item shall be substituted, namely:—

"(ii) Two members to represent the University of Goa, to be elected by the Academic Council of the University from amongst its

members of whom at least one member shall represent the colleges and until the first such elections are held, persons nominated by the Government from amongst the Principals and teachers of the colleges in the State;"

(c) for item (iii), the following item shall be substituted, namely:—

"(iii) Two headmasters of higher secondary schools to represent North Goa and South Goa Districts respectively, elected by the Headmasters of such schools in the State recognised by the Board, from amongst themselves;"

(d) for item (iv), the following item shall be substituted, namely:—

"(iv) Two teachers of higher secondary schools to represent North Goa and South Goa Districts respectively, elected by the teachers of such schools in the State recognised by the Board, from amongst themselves;"

(e) for item (vii), the following item shall be substituted, namely:—

"(vii) Two representatives of the managements of secondary and higher secondary schools elected by the managements of such schools in the State recognised by the Board, from amongst themselves;"

(iii) in Class C, below the heading "Nominated Members",—

(a) for the word "Five", the word "Six" shall be substituted;

(b) for item (i), the following item shall be substituted, namely:—

"(i) One representative of visual/performing arts;"

(c) for item (ii), the following item shall be substituted, namely:—

"(ii) One representative from those who have contributed towards education/rehabilitation of the handicapped;"

(d) in item (iii), for the word "territory", the word "State" shall be substituted;

(e) for item (iv), the following item shall be substituted, namely:—

"(iv) Two persons, other than the staff of colleges, heads and teachers of secondary and higher secondary schools to be nominated by the Government from amongst reputed educationists, of whom one shall be a woman in case no woman member is represented in above classes;"

(f) after item (iv), the following item shall be inserted, namely:—

"(v) One nominated member to represent vocational education."

5. *Insertion of new section 17A.* — After section 17 of the principal Act, the following shall be inserted, namely:—

"17A. *Removal of Chairman.* — The Government may, after making such inquiry as deemed nece-

ssary, remove from office the Chairman of the Board, if he/she, —

(a) has been convicted of an offence involving moral turpitude; or

(b) has been found guilty of any lapse, misconduct, misbehaviour or disgraceful conduct which in the opinion of the Government renders him unfit to be continued as Chairman; or

(c) has been adjudged as undischarged insolvent; or

(d) has been declared physically disabled by any medical authority as the Government may specify in this behalf; or

(e) has been adjudged to be of unsound mind by a competent authority; or

(f) has been acting in any manner detrimental to the aims and objects of the Government.”

6. *Amendment of section 22.*— In section 22 of the principal Act, in sub-section (4), after the words “No person” and before the words “shall be a member”, the words and figures “other than those specified in clauses (i) and (ii) of sub-section (1)” shall be inserted.

7. *Amendment of section 25.*— In section 25 of the principal Act, in sub-section (1), in item (viii), for the words “final examinations”, the word “examinations” shall be substituted.

8. *Amendment of section 31.*— In section 31 of the principal Act, after the words “make recommendation” and before the words “on all matters”, the words “to the Executive Council” shall be inserted.

9. *Amendment of section 40.*— In section 40 of the principal Act, the words “in its annual meeting” shall be omitted.

#### Statement of Objects and Reasons

Consequent upon the grant of Statehood to Goa vis-a-vis delinking of Daman and Diu, certain changes are required to be effected in section 12 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975) with respect to the constitution of the Board. Also, a new section 17 A is proposed to be inserted to provide for removal of the Chairman. It is also proposed to amend the Act, 1975, to provide for more representation to higher secondary schools on account of increase in their number and also to give representation to Director of Technical Education and Director of Craftsman Training on the Board. It is further proposed to provide for representation for visual/performing arts, those who have contributed towards education/rehabilitation of the handicapped, representation for women and representation to a member to represent vocational education.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,

18th July, 1996.

PRATAPSINGH RANE

Chief Minister

Assembly Hall,  
Panaji,  
18th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

#### (Annexure to Bill No. 10 of 1996)

The Goa Secondary and Higher Secondary Education Board  
(Amendment) Bill, 1996

The Goa, Daman and Diu Secondary and Higher Secondary  
Education Board Act, 1975

(Act 13 of 1975)

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) “appointed date” means the date on which the remaining provisions of the Act are brought into force under sub-section (3) of section 1;

(2) “Board” means the Board established under the Act;

(3) “Chairman of the Board” means a person appointed as Chairman of the Board constituted under the Act;

(4) “Designated area” means area specified under the rules;

(5) “Director of Education” means the Director of Education, Government of Goa, Daman and Diu;

(6) “final examination” means the secondary school certificate examination or the higher secondary school certificate examination conducted or caused to be conducted by the Board;

(7) “Government” means the Government of Goa, Daman and Diu;

(8) “head master” means the person in-charge of the academic administration of a secondary or a higher secondary school recognised by the Board;

8(a)

(9) “higher secondary school” means a higher secondary school recognised as such by the Board under clause (1) of section 5;

(10) “institution” means an academic institution imparting secondary or higher secondary education;

(11) “management” means the trustees or the managing or governing body, by whatever name called, of any society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860), under whose management one or more schools or institutions are conducted;

(12) “prescribed” means prescribed by rules made under this Act;

(13) “primary education” means education imparted in a primary school recognised by the Government;

(14) “regulation” means the regulation made by the Government under section 48 and by the Board under section 47;

(15) “secondary education” means such general, technical, vocational or special education (including any combined course thereof) which is designed to meet the educational needs of the period of adolescence and which follows, immediately the primary education and precedes immediately the higher secondary education;

(16) “secondary school” means a school recognised as such by the Board under sub-section (1) of section 5;

(17) “teacher” means a member of the teaching staff other than the head master of a secondary or higher secondary school recognised by the Board;

(18) “territory” means the Union territory of Goa, Daman and Diu;

(19) “text-book” in relation to an examination under this Act, means any book recommended or otherwise sanctioned by the Board for use of that examination.



9. *Appointment, Duties and Powers of Secretary, Joint and Assistant Secretaries.*— (1) The Secretary of the Board shall be a whole time salaried officer of the Board. He shall be appointed by the Government. His emoluments and terms and conditions of service shall be such as may be prescribed.

(2) The minimum qualifications and experience required for the purpose of appointment to the post of Secretary of the Board are that —

(i) he should possess a Second Class Bachelor's degree of a recognised university in Arts, of Science and Bachelor's degree in Education with experience both in teaching and administration of not less than 15 years; or

(ii) he should have held a responsible post not below the rank of an Education Inspector in Education Department of any State Government or the rank of Assistant Secretary or its equivalent in any State Board of Secondary Education or the rank of Assistant Registrar or its equivalent in any University established by law for not less than five years.

(3) Next to the Chairman of the Board, the Secretary of the Board shall maintain control and discipline over all the employees of the Board.

(4) The Secretary shall act as Secretary of the Board, the Executive Council, the Academic Council, the Examination Committee, the Finance Committee and the Recognition Committee, but he shall not be entitled to vote.

(5) Subject to the control of the Executive Council, the Secretary shall have power to enter into agreements, sign documents and authenticate records on behalf of the Board.

(6) He shall be the Custodian of the records, the common seal and such other property of the Board as the Executive Council may commit to his charge.

(7) He shall keep the minutes of all meetings of the Board, the Executive Council, the Academic Council, the Examination Committee, the Finance Committee, the Recognition Committee and of such other committees and body where he may be directed to act as a Secretary by the Chairman of the Board.

(8) The Secretary shall ensure, in accordance with the directions of the Chairman of the Board, the proper organisation and conduct of final examinations and other tests and declaration of results.

(9) The Secretary shall exercise such other powers and perform such other duties as may be prescribed, or are required from time to time by the Executive Council or the Chairman of the Board.

(10) The Government may appoint one or more Joint and Assistant Secretaries for the Board on the recommendation of the Board. Such Joint and Assistant Secretaries shall exercise such powers and duties as may be assigned to them by the Secretary under the general or special orders of the Board.

(11) When the office of the Secretary of the Board falls vacant, or when the Secretary is, by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed by such person as the Chairman of the Board may appoint for the purpose from among the Joint Secretaries.

(12) The Secretary, Joint Secretaries, and Assistant Secretaries appointed under this Act shall be the servants of the Government, and they shall draw their salaries and allowances from the consolidated fund of the territory. The salaries and allowances shall be such as may be prescribed by the Government.

12. *Board.*— (1) The Board shall be the principal authority for all financial estimates and budgetary appropriations, and shall consist of the Chairman and the Vice-Chairman of the Board appointed by the Government under section 7 and of the following members namely :—

#### Ex-officio Members

Class A — (i) The Director of Education or his nominee not below the rank of a Deputy Director;

(ii) The Director of Sports and Cultural Affairs;

(iii) The Director of Technical Education, if any or the Principal of the Government Polytechnic;

(iv) The Director of the State Institute of Education, if any;

(v) The Director of Agriculture; and

(vi) The Director of Accounts.

#### Elected Members

Class B — (i) Two members of the Legislative Assembly elected by the members of the Legislative Assembly of the territory from amongst themselves;

(ii) Four members to represent the University of Goa, to be elected by the Academic Council of the University from amongst its members and until the first such elections are held, persons nominated by the Government from amongst the Principals and teachers of the Colleges in the territory;

(iii) One head master of a higher secondary school elected by the head masters of such schools in the territory recognised by the Board, from amongst themselves;

(iv) One teacher of a higher secondary school elected by the teachers of such schools in the territory recognised by the Board, from amongst themselves;

(v) Six head masters of secondary schools other than higher secondary schools, one each from each designated area, elected by the head masters of such schools in the designated area from amongst themselves;

(vi) Six teachers of secondary schools other than higher secondary schools, one each from each designated area, elected by the teachers of such schools in the designated area from amongst themselves; and

(vii) Two representatives of the management of secondary schools elected by the managements of secondary schools in this territory, recognised by the Board, from amongst themselves.

#### Nominated Members

Class C — Five members to be nominated by the Government :—

(i) One head master from amongst the head masters of secondary and higher secondary schools from Daman and Diu;

(ii) One teacher other than a head master from amongst the teachers of the secondary and higher secondary schools of Daman and Diu;

(iii) One principal of a secondary teachers' training college from amongst the principals of secondary teachers' training colleges in the territory; and

(iv) Two persons, other than the staff of colleges, heads and teachers of secondary and higher secondary schools, to be nominated by the Government from amongst reputed educationists:

Provided that, a person shall cease to hold office as a member of the Board if he ceases to belong to the Academic Council of the University or the Legislative Assembly, or ceases to be a head master or teacher of a secondary or higher secondary school or a principal of a secondary training college or representative of the management, where he is elected or nominated from amongst such persons.

(2) The names of persons, not being ex-officio members, who have been elected or nominated, from time to time, as members of the Board shall be published by the Board in the Official Gazette.

(3) No employee of the Board shall be eligible to be elected to the Board.

(4) No person shall be nominated as member of the Board or continue to be such member for more than two consecutive terms.

(5) Notwithstanding anything contained in sub-section (1), for the purpose of the first constitution of the Board, Government may also nominate all or any of the members to be elected under Class B but, in such cases, the member so nominated shall vacate office as soon as the corresponding

member is duly elected by the electing body. The member so elected shall then hold office only for the remaining period of the term.

**17. Removal of Member.**— (1) The Government may, on the recommendation of the Board and after making such further inquiry, if any, as it may think fit to make, remove any member of the Board or of any Committee appointed under this Act, from office, if such member has been convicted of an offence involving moral turpitude or has been guilty of any disgraceful conduct which in the opinion of the Board renders him unfit to be continued as a member or an undischarged insolvent or declared physically disabled by any medical authority as Government may specify or adjudged to be of unsound mind by a competent authority or acting in any manner detrimental to the aims and objectives of the Board:

Provided that, no such recommendation shall be made by the Board, unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) The name of any member who has been removed from office under sub-section (1) shall be published by the Board in the Official Gazette.

**22. The Executive Council.**— (1) The Executive Council shall be the Executive Authority of the Board and shall consist of the following:—

(i) The Chairman of the Board—Ex-officio Chairman;

(ii) The Director of Education or his nominee not below the rank of a Deputy Director;

(iii) Four members to be elected by the Board from amongst the elected members referred to in class B of sub-section (1) of section 12.

(iv) One member to be elected by the Board from amongst the nominated members referred to in class C of sub-section (1) of section 12;

(v) One member to be elected by the Board from amongst all its members irrespective of their Class; and

(vi) One member to be elected by the Board from amongst the Ex-officio members referred to in class A of sub-section (1) of section 12.

(2) The term of office of the elected members shall be two years.

(3) If a member elected to the Executive Council remains absent without permission of the Council for three consecutive meetings thereof, his office shall be deemed to have been vacated.

(4) No person shall be a member of the Executive Council, or continue to be such member, for more than two consecutive terms.

**25. Powers and Duties of Academic Council.**— (1) The Academic Council shall be the chief academic body and shall have the right to advise the Board on all academic matters. Without prejudice to the generality of this provision, the Academic Council shall have the following duties and functions namely:—

(i) to formulate guiding principles for determining curricula and syllabi for the entire secondary and higher secondary education;

(ii) to consider and submit its recommendations to the Executive Council on the detailed syllabi for all standards except the final standard, after taking into consideration the recommendations of the respective Boards of studies thereon;

(iii) to consider and submit its recommendations to the Executive Council on the curricula and detailed syllabi prepared by the Boards of Studies for the final examinations;

(iv) to formulate general principles for preparing text-books;

(v) to prepare or recommend for prescription to the Executive Council text-books for the standard leading to the final examinations, after taking into consideration the recommendations of the respective Boards of Studies thereon;

(vi) to recommend to the Executive Council standard requirements in respect of staff, building, furniture, equipment, stationery and other things required for secondary and higher secondary schools;

(vii) to recommend to the Board measures to promote physical, moral and social welfare of students in institutions recognized by the Board and the conditions of their residence and discipline;

(viii) to consider and submit its recommendations to the Executive Council on the following matters pertaining to the final examinations after receipt of the recommendations of the Boards of Studies:—

(a) the total number of compulsory and optional subjects;

(b) proposals for introduction of new subjects and exclusion of existing subjects;

(c) the formation of groups of subjects and the alteration of such groups;

(d) the number of question papers to be set in each subject;

(e) the maximum and minimum marks, time, duration and standard length for written, oral or practical tests in different subjects or groups of subjects;

(ix) to conduct statistical or other research for the purposes of evaluation and reform of curricula, instruction and examination system;

(x) to co-ordinate the work of the Boards of Studies and to scrutinize the recommendations in regard to various matters with which each Board of Studies is concerned.

**31. Powers and Duties of Recognition Committee.**— The Recognition Committee shall consider and make recommendation on all matters relating to the grant or withdrawal of recognition of secondary and higher secondary schools in accordance with the prescribed procedure.

**40. Annual Report.**— The annual report of the Board shall be prepared under the direction of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed and which shall be considered by the Board in its annual meeting. The Board may pass resolutions thereon and communicate them to the Executive Council which shall consider and take such action thereon as it thinks fit; and the Executive Council shall then inform the Board at its next meeting of the action taken by it or its reasons for taking no action on such resolutions, if any.

Assembly Hall,  
Panaji,  
19th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa